

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN W. HARRIS,

Defendant.

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8:11CR388

MEMORANDUM AND ORDER

During a conference call with counsel, the government conceded the merits of the defendant's motion to suppress statements. Accordingly,

IT IS ORDERED:

- 1) The government shall not use the statements made by the defendant after he arrived at the police station (see filing no. 40-1) during the government's case in chief.
- 2) Due to the nature of the statements made, it is not foreseeable that the statements will be useful to the government to impeach the defendant should the defendant choose to testify at trial. Therefore, it does not appear the court needs to decide whether the statements were voluntary.
- 3) The defendant's motion to suppress, (filing no. 26), is granted to the extent set forth in paragraph 1 of this order.
- 4) The suppression hearing previously set for April 4, 2012 is cancelled.

DATED this 3rd day of April, 2012.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge